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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 L.M.W., individually, and as the biological
10 father and on behalf of L.W., a minor,

11 Plaintiff,

12 v.

13 State of Arizona, et al.,

14 Defendants.

No. CV-22-00777-PHX-JAT

ORDER

15 Pending before the Court is another motion for sanctions.¹ (Doc. 173). This motion
16 for sanctions seeks:

17 ...that this Court sanction Plaintiffs...by excluding from trial all new
18 information contained within Plaintiffs' Fifteenth Supplemental Disclosure
19 Statement. This includes excluding Dr. Barzman's supplemental rebuttal
20 report from trial and precluding him from testifying regarding any
21 information contained therein or obtained by him after the Court's deadline
22 for expert rebuttal reports. This also includes precluding Mesa Public
23 Schools, and any agent thereof, from testifying at trial. Defendants Tyus also
24 request...their attorneys' fees and costs incurred in drafting and filing this
25 motion.

26 (Doc. 173 at 7-8). The basis for these requests is that the Fifteenth Supplemental Disclosure
27 Statement is untimely.

28 This Court's scheduling order contains controlling deadlines. Regarding experts,
the Court set a deadline for rebuttal expert reports. (Doc. 19 at 2). Regarding supplements,
this Court requires that supplementation be completed by the earlier of: 30 days from when

¹ Previously Plaintiffs moved for sanctions regarding the State of Arizona's 30(b)(6) deponent, and Defendants moved for sanctions for alleged witness tampering.

1 the information is discovered by or revealed to the party (Doc. 19 at 2); or the close of
2 discovery (Doc. 19 at 2-3).

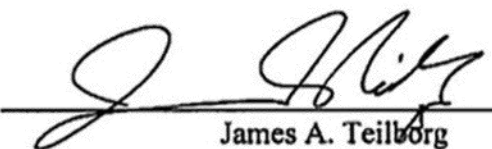
3 Here, Defendants argue that Plaintiffs supplemented both with new factual
4 information and new expert information after the close of discovery. In responding to this
5 motion for sanctions, Plaintiffs must address both when this information was discovered
6 by or revealed to them, and why it was not disclosed by the deadline for supplementation
7 under the Court's Rule 16 order.

8 The Court notes that no motion to extend the deadline for supplementation in the
9 Rule 16 order was ever made.² The Court further notes that, after all extensions, the
10 deadline for supplements expired on February 12, 2024, and this supplement was not filed
11 until March 19, 2024.

12 Based on the foregoing,

13 **IT IS ORDERED** that in responding to the currently pending motion for sanctions
14 (Doc. 173) Plaintiffs must provide the information specified above. If Plaintiffs choose
15 not to address any portion of the motion for sanctions, or this Order, the Court will deem
16 such failure to be consent to the motion being granted. *See* L.R. Civ. 7.2(i).

17 Dated this 11th day of April, 2024.

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22 James A. Teilborg
23 Senior United States District Judge
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27 ² The showing required to amend the scheduling order can be found at *L.M.W. v. Arizona*,
28 No. CV-22-00777-PHX-JAT, 2024 WL 380978, at *2 (D. Ariz. Feb. 1, 2024). To the
extent any such motion may yet be forthcoming, Plaintiffs must discuss how they diligently
pursued this information within the Court's prior deadlines.